UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SAJHRESA HILL, *Plaintiff*,	§ § §	
v.	§ §	CASE NO. 1:17-cv-00022-LY
SCOTT & ASSOCIATES, P.C., *Defendant*.	§ § § §	

DEFENDANT SCOTT & ASSOCIATES, P.C.'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Scott & Associates, P.C. (hereinafter "Defendant"), and files its Answer to Plaintiff Sajhresa Hill's First Amended Complaint, and would respectfully show unto the Court as follows:

DENIALS

1. Defendant admits Plaintiff has filed an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act 15 U.S.C. § 1692, *et seq*. ("FDCPA"). Defendant denies any violation occurred.

2. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 2. Therefore, Defendant denies Paragraph 2.

3. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 3. Therefore, Defendant denies Paragraph 3.

4. Defendant admits Paragraph 4.

5. Defendant denies Paragraph 5.

6. Defendant denies Paragraph 6.

7. Defendant denies Paragraph 7.

8. Defendant lacks information or knowledge sufficient to form a belief as to whether Plaintiff resides in Travis County, Texas. Therefore, Defendant admits that Plaintiff is an individual, but denies she resides in Travis County, Texas

9. Defendant admits Paragraph 9.

10. Defendant lacks information or knowledge sufficient to form a belief as to Paragraph 10. Therefore, Defendant denies Paragraph 10.

11. Defendant lacks information or knowledge sufficient to form a belief as to Paragraph 11. Therefore, Defendant denies Paragraph 11.

12. Defendant lacks information or knowledge sufficient to form a belief as to the pleadings in Paragraph 12. Therefore, Defendant denies Paragraph 12.

13. Defendant lacks information or knowledge sufficient to form a belief as to the pleadings in Paragraph 13. Therefore, Defendant denies Paragraph 13.

14. Defendant lacks information or knowledge sufficient to form a belief as to the pleadings in Paragraph 14. Therefore, Defendant denies paragraph 14.

15. Defendant admits that Plaintiff defaulted on her debt to Synchrony Bank. Defendant lacks information or knowledge as to whether Plaintiff's financial circumstances caused her to default on her debt to Synchrony Bank. Therefore, Defendant denies that Plaintiff's financial circumstances caused her to default on said debt.

16. Defendant denies Paragraph 16.

17. Defendant admits that, in some instances, it collects defaulted consumer debts using telephones and the mails.

18. Defendant admits that, in some instances, it acts as a “debt collector” within the meaning of § 1692(a)(6) of the FDCPA.

19. Defendant admits that it is a law firm that employs non-attorneys.

20. Defendant admits, in some instances, it acts as a “third-party debt collector” as defined in § 392.001(7) of the TDCA.

21. Defendant admits Paragraph 21.

22. Defendant admits Paragraph 22, as the letter speaks for itself.

23. Defendant admits Paragraph 23.

24. Defendant admits Paragraph 24.

25. Defendant denies Paragraph 25.

26. Defendant denies Paragraph 26.

27. Defendant re-alleges the previous paragraphs as though stated herein.

28. Defendant admits that Paragraph 28 is a partial quotation of the Texas Finance Code. Defendant denies that Paragraph 28 is a complete and accurate statement of law.

29. Defendant denies Paragraph 29.

30. Defendant re-alleges the previous paragraphs as though stated herein.

31. Defendant admits that Paragraph 31 is a partial quotation of the FDCPA. Defendant denies that Paragraph 31 is a complete and accurate statement of law.

32. Defendant denies Paragraph 32.

33. Defendant admits that Paragraph 33 is a partial quotation of the FDCPA. Defendant denies that Paragraph 33 is a complete and accurate statement of law.

34. Defendant denies that Paragraph 34 is a complete and accurate statement of law.

35. Defendant denies Paragraph 35.

36. Defendant denies Paragraph 36.

37. Defendant denies Plaintiff is entitled to the relief requested in Paragraph 37.

38. Defendant denies Plaintiff is entitled to the relief requested in Paragraph 38.

39. Defendant admits Plaintiff seeks class certification, but denies that Plaintiff is entitled to class certification.

40. Defendant denies Paragraph 40.

41. Defendant denies Paragraph 41.

42. Defendant denies Paragraph 42.

43. Defendant denies Paragraph 43.

44. Defendant denies Paragraph 44.

45. Defendant denies Paragraph 45.

46. Defendant denies Paragraph 46.

AFFIRMATIVE DEFENSES

And now, as a separate and complete defense, Defendant avers as follows:

47. Any violation, if it occurred, was the result of a bona fide error.

48. Plaintiff has not suffered a concrete, injury-in-fact.

49. Plaintiff's damages—if any—are the result of the actions of third parties over whom Defendant has no control.

50. Plaintiff's damages—if any—were pre-existing damages not caused by Defendant.

51. Plaintiff has failed to mitigate damages—if any.

52. Plaintiff proximately caused her own damages—if any. Plaintiff is estopped and barred from recovery of damages resulting from her own conduct.

53. Plaintiff has failed to state a claim against Defendant upon which relief can be granted.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully asks the Court to:

1) Find Plaintiff's claims are not valid.

2) Find that this case is inappropriate for class certification.

3) Find Plaintiff's claims are brought in bad faith and award Defendant attorney's fees and costs.

4) Find Plaintiff is not entitled to injunctive relief.

5) Enter judgment that Plaintiff take nothing from these Defendants.

Respectfully submitted,

MALONE AKERLY MARTIN PLLC

/s/ Robbie Malone
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COUNSEL FOR DEFENDANT

[CERTIFICATE OF SERVICE ON SUBSEQUENT PAGE]

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to the following party via **CM/ECF,** on this 16th day of February, 2017 to:

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/s/ Robbie Malone
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